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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/674,742

09/30/2003

Geoffrey T. Dunbar

MS1-1723US

4212

22801

7590

03/23/2007

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EXAMINER

LEMMA, SAMSON B

ART UNIT

PAPER NUMBER

2132

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/23/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/674,742

Applicant(s)

DUNBAR ET AL.

Examiner

Samson B. Lemma

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01/05, 03/04 & 11/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. **Claims 1-79** have been examined.

Priority

2. This application does not claim priority of any application. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is **09/30/2003**.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-79** are rejected under 35 U.S.C. 101 because the subject matter is directed to non-statutory subject matter.

5. **Independent claims 1, 26, 48 and 64** are directed to a data structure. The examiner asserts that the limitation of the above independent claims do not clearly establish a statutory category of the invention. These claims **are data structure per se** and do not fall within the statutory classes listed in 35 USC 101. The language of the claims raises a question as to whether the claims are directed merely to **an abstract idea/non-functional descriptive material (i.e., abstract idea) that is not tied to a technological art, environment or machine which would form the basis of statutory subject matter under 35 U.S.C. 101**. See MPEP § 2106 IV. B. 1(a).

6. **Independent claims 1, 26, 48 and 64** are also directed to a computer-readable medium/method/system for forming/storing an image container. The examiner asserts that the limitation of the claims does not fall within the statutory

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classes listed in 35 USC 101; since the last limitation recited in all the respective independent claims, wouldn't produce a tangible result.

Even though the limitation of the respective independent claims are directed to a technological art, environment or machine which would result in a practical application producing a **concrete and useful result**, it does not produce a **tangible result to form the basis of statutory subject matter under 35 U.S.C. 101**.

For instance, if the last limitation in the claim is only generating encryption/decryption key or comparing two results, with out transmitting, displaying or storing or performing some concrete result, by which the result is precisely identified or realized and perceived, the claim language is not generally considered to be producing tangible result.

By the same token, the last limitation recited in the respective independent claims is not producing a tangible result, unless and otherwise the final limitation of the claim is some how either **transmitting, storing or displaying, some concrete result. In other words the final limitation in the claim language has to be something, which is capable of being precisely identified or realized and perceived.**

7. **Claims 2-25, 27-47, 49-63 and 65-79** depend from the rejected independent claims **1, 26, 48 and 64**, and include all the limitations of the respective claims, thereby rendering those dependent claims non-statutory.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Dependent **claims 76-79** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Dependent claims 76-79, recites the limitation "**the camera settings**". There is insufficient antecedent basis for this limitation.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. **Claims 1-79** are rejected under 35 U.S.C. 102(b) as being anticipated by **QuickTime File Format** (hereinafter refereed as **QuickTime**) (Publication Date 03/01/2001) (Submitted with the Applicant's IDS) (XP-002311281)

12. **As per independent claims 1, 26, 48 and 64 QuickTime discloses a method for forming an image container file** [*See page 17, line 1, storing movies on disk*], **comprising:**

Collecting image data; [*See, see page 17, "media data"*] ("*media data*" is met to be the collected image data. And "*media data*" on page 17, paragraph 2, is defined as all actual sample data, such as video frames and audio samples, that can be stored in the same file as the "*QuickTime movie/meta-data or movie*".);

Forming a first multimedia stream in the image container file, the first multimedia stream including a first image data derived from the collected image data [*See page 17, "QuickTime file/meta-data or movie"*] (*QuickTime*

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file/meta-data or movie is met to be "first multimedia stream in image in the image container file, including a first image data derived from the collected image data"

As it is explained on page 17, second paragraph, A QuickTime file stores the description of the media separately from the media data. The description, or meta-data, is called the movie and contains information such as the number of tracks, the video compression format, and timing information. The movie also contains an index of where the media data is stored. The media data is all of the actual sample data, such as video frames and audio samples. The media data may be stored in the same file as the QuickTime movie, in a separate file, or in several files.) and a first header object having information related to the first image data (See at least the following, on page 19, "header" or page 33, "movie header atoms");

- **Collecting arbitrary data; and forming a second multimedia stream in the image container file, the second multimedia stream including first arbitrary data derived from the collected arbitrary data and a second header object having information related to the first arbitrary data.** (*"See page 36, "user data atoms" (User data atoms allow you to define and store data associated with a QuickTime object, such as a movie, track, or media. This includes both information that QuickTime looks for, **such as copyright information** or whether a movie should loop, and arbitrary information--provided by and for your application that QuickTime simply ignores. A user data atom whose immediate parent is a movie atom contains data relevant to the movie as a whole. A user data atom whose parent is a track atom contains information relevant to that specific track. A QuickTime movie file may contain many user data atoms, but only one user data atom is allowed as the immediate child of any given movie atom or track atom.)*

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13. **As per claims 2, 27, 49, 65 and 76-79** QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method wherein, wherein the first arbitrary data comprises second image data, the first and second image data providing different representations of a single image. [See page 36, "User Data Atoms" and "QuickTime/movie/ meta-data" are different representation of a single image/ media data]
14. **As per claims 3-4 and 28** QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method wherein, the first and second image data comprise compressed [Page 17, paragraph 2 and page 83-84, "compression format" or "compressed movie"] and uncompressed image data [See page 36 and page 83], respectively.
15. **As per claims 5-9 and 29-34** QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method wherein, the first image data represents the single image having a first pixel resolution, and the second image data represents the single image having a second pixel resolution different from the first pixel resolution wherein the first image data is derived using a first color space and second image data is derived from a second color space. [See page 35-36, see "color"]
16. **As per claims 10-11, 24-25, 61-62 and 75** QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method wherein, the first image data represents the single image having a first field of view, and the second image data represents the single image having a second field of view.[See, page 84-86]
17. **As per claims 12-17, 35-39, 50-54 and 66-69** QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method wherein, the first arbitrary data comprises data representing an annotation of an

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image represented by the first image data. (*"See page 36, "user data atoms"*) (*User data atoms allow you to define and store data associated with a QuickTime object, such as a movie, track, or media. This includes both information that QuickTime looks for, **such as copyright information** or whether a movie should loop, and arbitrary information-- provided by and for your application that QuickTime simply ignores. A user data atom whose immediate parent is a movie atom contains data relevant to the movie as a whole. A user data atom whose parent is a track atom contains information relevant to that specific track. A QuickTime movie file may contain many user data atoms, but only one user data atom is allowed as the immediate child of any given movie atom or track atom.*)

18. As per claims 18, 40, 55 and 70 QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method further comprising adding metadata to the image container file. [*See page 17, "QuickTime file/meta-data or movie"*]

19. As per claims 19, 41, 56 and 71 QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method further comprising forming an index portion to contain information related to a location of data stored in the image container file. [*See, page 17 second paragraph*], (*The movie also contains an index of where the media data is stored*)

20. As per claims 20-23, 42-47, 57-60 and 72-74 QuickTime discloses a method as applied to claims above. Furthermore QuickTime discloses the method further comprising storing digital rights management information in the image container file. (*"See page 36, "user data atoms"*) (*User data atoms allow you to define and store data associated with a QuickTime object, such as a movie, track, or media. This includes both information that QuickTime looks for, such as "copyright information".*)

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Conclusion

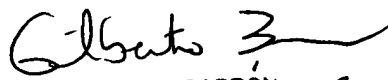
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-873-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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03/10/2007


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